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SENATE BILL 6926

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State of Washington

60th Legislature

2008 Regular Session

By Senator McCaslin

Read first time 02/06/08. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to disincorporation of cities and towns; amending  
2 RCW 35.07.010 and 35.07.090; and repealing RCW 35.07.020, 35.07.040,  
3 35.07.050, 35.07.060, 35.07.070, 35.07.080, 35.07.100, 35.07.110,  
4 35.07.130, 35.07.140, 35.07.150, 35.07.160, 35.07.170, 35.07.180,  
5 35.07.190, 35.07.200, 35.07.210, 35.07.220, and 35.07.225.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 35.07.010 and 1994 c 81 s 10 are each amended to read  
8 as follows:

9 (1) Cities and towns may disincorporate through a proposed petition  
10 for disincorporation. The petition for disincorporation must be signed  
11 by a majority of the registered voters thereof and filed with the city  
12 or town council. The council shall initiate an election to be heard on  
13 the proposition of disincorporation. Notice of such election shall be  
14 given as provided in RCW 29A.52.351.

15 (2) The ballots for the election shall be printed with the words  
16 "for dissolution" in one line and the words "against dissolution" in  
17 another line. In all other respects the ballots shall be in conformity  
18 with the law regulating elections in such cities and towns. The

1 municipality shall be responsible for the expense of printing the  
2 ballots.

3 (3) The election shall be conducted as other elections are required  
4 by law to be conducted in the city or town except as otherwise provided  
5 in this chapter. The canvassing authority shall certify the results of  
6 the election, together with the ballots cast, to the council. The  
7 council shall meet within one week after certification and shall  
8 declare the result which shall be made a matter of record in the  
9 journal of the council proceedings. If the vote "for dissolution" is  
10 a majority of the registered voters of such city or town voting at such  
11 election, such corporation shall be deemed dissolved.

12 **Sec. 2.** RCW 35.07.090 and 1965 c 7 s 35.07.090 are each amended to  
13 read as follows:

14 (1) Upon disincorporation of a city or town, its powers and  
15 privileges as such, are surrendered to the state and it is absolved  
16 from any further duty to the state or its own inhabitants ((and all the  
17 offices appertaining thereto shall cease to exist immediately upon the  
18 entry of the result: PROVIDED, That if a receiver is required, the  
19 officers shall continue in the exercise of all their powers until a  
20 receiver has qualified as such, and thereupon shall surrender to him  
21 all property, money, vouchers, records and books of the city or town  
22 including those in any manner pertaining to its business)). All  
23 assets, liabilities, and indebtedness of the previously incorporated  
24 city or town will revert back to the originating county. The  
25 originating county treasurer shall take possession of all the money,  
26 vouchers, records, and books of the former municipality.

27 (2) Disincorporation shall not impair the obligation of any  
28 contract. If any franchise lawfully granted has not expired at the  
29 time of disincorporation, the disincorporation does not impair any  
30 right thereunder and does not imply any authority to interfere  
31 therewith to any greater extent than the city or town might have, if it  
32 had remained incorporated.

33 (3) Upon disincorporation of a city or town, its streets and  
34 highways pass to the control of the state and shall remain public  
35 highways until closed in pursuance of law; and the territory embraced  
36 therein shall be made into a new road district or annexed to adjoining

1 districts as may be ordered by the board of county commissioners of the  
2 county embracing such city or town.

3 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each  
4 repealed:

5 (1) RCW 35.07.020 (Petition--Requisites) and 1965 c 7 s 35.07.020;

6 (2) RCW 35.07.040 (Calling election--Receiver) and 1997 c 361 s 4  
7 & 1965 c 7 s 35.07.040;

8 (3) RCW 35.07.050 (Notice of election) and 1965 c 7 s 35.07.050;

9 (4) RCW 35.07.060 (Ballots) and 1965 c 7 s 35.07.060;

10 (5) RCW 35.07.070 (Conduct of election) and 1965 c 7 s 35.07.070;

11 (6) RCW 35.07.080 (Canvass of returns) and 1965 c 7 s 35.07.080;

12 (7) RCW 35.07.100 (Effect of disincorporation--Existing contracts)  
13 and 1965 c 7 s 35.07.100;

14 (8) RCW 35.07.110 (Effect of disincorporation--Streets) and 1965 c  
15 7 s 35.07.110;

16 (9) RCW 35.07.130 (Elected receiver--Failure to qualify--Court to  
17 appoint) and 1965 c 7 s 35.07.130;

18 (10) RCW 35.07.140 (No receiver elected though indebtedness  
19 exists--Procedure) and 1965 c 7 s 35.07.140;

20 (11) RCW 35.07.150 (Duties of receiver--Claims--Priority) and 1965  
21 c 7 s 35.07.150;

22 (12) RCW 35.07.160 (Receiver may sue and be sued) and 1965 c 7 s  
23 35.07.160;

24 (13) RCW 35.07.170 (Receiver--Power to sell property) and 1965 c 7  
25 s 35.07.170;

26 (14) RCW 35.07.180 (Receiver--Power to levy taxes) and 1973 1st  
27 ex.s. c 195 s 11 & 1965 c 7 s 35.07.180;

28 (15) RCW 35.07.190 (Receiver's compensation) and 1965 c 7 s  
29 35.07.190;

30 (16) RCW 35.07.200 (Receiver--Removal for cause) and 1965 c 7 s  
31 35.07.200;

32 (17) RCW 35.07.210 (Receiver--Successive appointments) and 1965 c  
33 7 s 35.07.210;

34 (18) RCW 35.07.220 (Receiver--Final account and discharge) and 1965  
35 c 7 s 35.07.220; and

1           (19) RCW 35.07.225 (Applicability of general receivership law) and  
2    2004 c 165 s 43.

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